

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAMBUS, INC.

No. C 08-3343 SI, C 08-5500

Plaintiff,

**ORDER GRANTING PLAINTIFF'S  
MOTION TO CONSOLIDATE CASE  
NOS. 08-3343 AND 08-5500**

v.

NVIDIA CORPORATION,

Defendant.

---

Plaintiff's motion to consolidate is scheduled for a hearing on February 6, 2009. Pursuant to Civil Local Rule 7-1(b), the Court determines that the matter is appropriate for resolution without oral argument, and VACATES the hearing.


The day after Rambus filed this patent lawsuit, defendant NVIDIA filed an antitrust lawsuit in the Middle District of North Carolina. That lawsuit, *NVIDIA Corp. v. Rambus Inc.*, C 08-5500 SI, which has since been transferred to this District, alleges that Rambus' procurement and subsequent enforcement of certain patents violates the Sherman Act. The North Carolina court transferred NVIDIA's antitrust action to this District on the ground that NVIDIA's antitrust claims properly belonged as counterclaims to Rambus' patent infringement claims in this case.

Plaintiff now moves to consolidate the two cases. Defendant does not object to the cases being consolidated, but has filed a "limited opposition" to state its view that any consolidation should "not prejudice the rights of the parties to request appropriate procedural rulings related to the efficient disposition of the case and any appeals, nor limit the Court's discretion in considering such requests." The Court finds that it is appropriate to consolidate these cases, and further finds that consolidation will

1 not prejudice the rights of the parties to request appropriate rulings regarding case management.  
2 Accordingly, the Court GRANTS plaintiff's motion for consolidation. (Docket No. 71).

3  
4 **IT IS SO ORDERED.**

5  
6 Dated: February 2, 2009

  
\_\_\_\_\_  
SUSAN ILLSTON  
United States District Judge